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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,047	04/02/2004	Isaac Farr	200313424-1	2217

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

SASTRI, SATYA B

ART UNIT	PAPER NUMBER
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1713

MAIL DATE	DELIVERY MODE
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06/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/817,047	Applicant(s) FARR ET AL.	
	Examiner Satya B. Sastri	Art Unit 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-15, 17-19 and 33-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-15, 17-19, 34, 35 and 37-42 is/are rejected.
- 7) ☒ Claim(s) 33 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to amendment filed on April 16, 2007. With the addition of new claims 33-42, claims 1-9, 11-15, 17-19 and 33-42 are now pending in the application.
2. Applicant's amendment and arguments have been fully considered but not found persuasive and thus, the rejection of claims 1-9, 11-15, 17-35 U.S.C. 103(a) as being unpatentable over to Janney et al. (US 6,228,299 B1) in view of evidence provided by <http://www.rtvanderbilt.com/documents/MSDS/CAN/14442.pdf> is maintained. Additionally, rejection of claims 11-13 under 35 U.S.C.112, second paragraph, as being indefinite is withdrawn. It is noted that applicants have not addressed the objection to the specification raised in office action dated 4/6/06 (paragraph 4) and maintained in the office action dated 9/1/06 (paragraph 2). The objection to the specification is maintained.

Claim Objection

3. Claim 34 is objected to for a typographical error in line 3 for "propane".

Previously Cited Statutes

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 34, 35, 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janney et al. (US 6,228,299 B1) in view of evidence provided by <http://www.rtvanderbilt.com/documents/MSDS/CAN/14442.pdf>.

The discussion with regard to Janney et al. is presented in the office action dated 1/19/07 and is incorporated herein by reference.

The difference between the prior art and the instant invention is that the prior art does not exemplify compositions with the specific components recited in instant claims.

The prior art to Janney et al. discloses the following components recited in the instant claims (a) basic component comprising metal oxides, metal salts, ceramic powders including glass etc. (col. 4-5, bridging paragraph); (b) acid components such as polymeric acrylic and methacrylic acid and their salts (col. 13, lines 1-20); (c) at least one diacrylate compound (col. 4, lines 25-56); (d and e) peroxide and water soluble amine (col. 7, lines 1-17) and (f) water, alcohol and mixtures thereof (col. 4, lines 57-59). Although the prior art does not exemplify the composition, given the general teaching of the suitability of various components, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the disclosed components (a)-(f) and thereby arrive at the instant invention. Case law holds that the selection of a known material based on its suitability for its intended use supports *prima facie* obviousness. *Sinclair & Carroll Co vs. Interchemical Corp.*, 325 US 327, 65 USPQ 297 (1045).

With regard to the specific combination of peroxide and water soluble amine and the initiating species, it would have been obvious to use any of the functionally equivalent oxidizing agents disclosed in the prior art, including a peroxide in lieu of persulfate, and thereby obtain the instant invention.

Allowable Subject Matter

6. Claims 33 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 33 recites a specific acidic component while claim 36 recites a specific surfactant in the compositions. Such modifications are not obvious over prior art to Janney et al.

Response to Arguments

7. Applicant's argue that Janney does not teach, disclose or suggest that the "fibers are selected from polymer fibers, ceramic fibers, glass fibers and combinations thereof", as recited in claim 1. Additionally, the listing of optional ingredients in the prior art is typified as a laundry list. Firstly, examiner notes that a list with only 11 items (col. 11, lines 38-44) cannot constitute a laundry list. Secondly, with regard to the teaching on fibers, it is noted that the prior art discloses the use of organic fibers (emphasis added). Organic fibers can be formed only from polymeric materials, i.e. polymers with large molecular wt. and not from small molecules. Therefore, it is implicit that the teaching is of an organic polymeric fiber. Ceramic fibers, carbon fibers, glass fibers read on inorganic fibers disclosed as optional additional additives. Though these additives are optional, it would have been obvious to include to same from the standpoint of reinforcing the final product strength.

Action Is Final

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Future Correspondence

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular

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communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satya Sastri

SATYA SASTRI

June 4, 2007

DW

DAVID W. WU
SENIOR PATENT EXAMINER
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